

REMARKS**Status of the Claims**

Claims 14 -16 and 18 were previously pending. Claim 16 has been amended. Claims 21 - 24 have been added. Accordingly, claims 14-16, 18 and 21-24 are pending and at issue.

Support for the amendment to claim 16 and new claims 21-24 can be found, for example, in the claims and on page 12, line 19 to page 13, line 3 of the application as filed. No new matter has been added by the amendment or new claims.

Rejections Under 35 U.S.C. § 103

Claims 14-16 and 18 stand rejected as obvious over Chu (U.S. Patent No. 5,635,037) in view of Honda (JP 08-315356).

Chu teaches a first embodiment, in which no plasma etching is performed on the protective layer of carbon-based thin film (see Chu col. 5, line 63 to col. 6, line 12), and a second embodiment in which a masking composition, such as an indium film, is sputtered onto the surface of the protective layer (Chu, col. 6, lines 43-46). Likewise in Honda, particles (12) are used as a mask material on the protective layer (see translated Honda, paragraph 0016).

In contrast, the present application teaches a method in which particles are immediately removed from the protective layer. More particularly, the present application states:

[P]lasma etching is conducted immediately after carbon [the] carbon protection layer 5 is formed. Immediately after formation, the surface of carbon protection layer 5 is from several tens of °C to several hundreds °C greater than at room temperature and thus retains high free energy (i.e. very active and reactive). Since the surface of carbon protection layer 5 is very active, the particles . . . on the surface 5, now exposed to dry plasma etching, are easily

removed in a very short time through a combination of evaporation and sublimation

(Present application, page 12, line 19 to page 13, line 3). To further distinguish the claims of the present application from Chu and Honda, claim 16 has been amended to recite conducting plasma etching conducted immediately after forming the protective layer. New claim 21 is identical to claim 16 as previously pending, but recites wherein particles on the surface of the protective layer are removed.

(a) Chu and Honda do not teach every limitation of the claims

Chu and Honda teach employing particles on the protective layer as a masking composition. As set forth above, the present application teaches that such particles can be *removed* -- as opposed to being allowed to settle to form a mask -- by immediately conducting plasma etching after forming the protective layer. Therefore neither Chu nor Honda discloses or suggests recite conducting plasma etching conducted immediately after forming the protective layer. Likewise, since the matter deposited on the protective layer in Chu and Honda serves as masks, they do not teach plasma etching involving removing particles on the surface of the protective layer. Accordingly, each limitation is not taught or suggested.

(b) Chu and Honda teach away from the present application

An object of the present application is to remove foreign particles that form on the surface of a protective layer (see page 4 lines 10-12 of the present application). In contrast, Chu and Honda rely on the depositing foreign particles in order to form a mask. Based on the cited art, a person of ordinary skill would *not* be motivated to remove foreign particles that form on the surface of the protective layer. Instead, Chu and Honda teach away from (1) conducting plasma etching immediately after forming the protective layer, and (2) removing particles on the surface of the protective layer. Both of these steps would prevent formation of the masking compositions relied upon in both Chu and Honda.

Because Chu and Honda do not teach every limitation of the claims, and teach away from the pending claims, applicants request that the obviousness rejection be withdrawn.

Attorneys and Correspondence Address

Applicants note that they have received notification that a Request for Withdrawal as Attorney or Agent and Change of Correspondence Address was approved by Jacqueline M. Stone on February 11, 2005. **This Notice was issued in error -- it should have been issued in U.S. Application No. 09/927,087.** The party requesting Withdrawal and Change of Correspondence Address in the '087 Application mistakenly entered the present application number.

To clarify the record, Applicants of the present application respectfully request that the Office withdraw the Request for Withdrawal as Attorney, and continue to forward correspondence in connection with the present application to:

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Conclusion

Applicant believes that the pending application is in condition for allowance. The Examiner is respectfully requested to contact the undersigned attorney to discuss any outstanding matters, or with questions relating to the erroneous Request for Withdrawal as Attorney.

Dated: March 17, 2005

Respectfully submitted,

By _____

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